

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**CRIMINAL NO. 3:00CR48  
(BROADWATER)**

**DAVID LEE ADAMS,**

**Defendant.**

**ORDER ADOPTING REPORT AND RECOMMENDATION AND  
MODIFYING TERMS OF SUPERVISED RELEASE**

On October 27, 2005, the probation officer supervising the defendant, David Lee Adams, filed a petition to modify the terms of the defendant's supervised release on the basis that the defendant violated a condition of supervised release as indicated by his conviction for Retail Theft in the Court of Common Pleas of Cumberland County, Pennsylvania. On November 7, 2005, Magistrate Judge David J. Joel conducted a hearing on the petition. The Magistrate issued his written Report and Recommendation on November 29, 2005, recommending that the defendant's terms of supervised release be modified.

Magistrate Judge Joel's Report and Recommendation informed the parties that they could file written objections within 10 days of service, and warned that a failure to file objections would waive the party's appellate rights should this Court adopt the Magistrate Judge's recommendations. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985).

Neither party has filed objections to the Report and Recommendation.

The Court has reviewed the matters before it, agrees with the Magistrate Judge's recommendation, and **MODIFIES** the defendant's conditions of supervised release. The defendant's terms of supervised release shall be modified as outlined in the Magistrate Judge's Report and Recommendation, filed on November 29, 2005.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to the defendant, all counsel of record herein, and the appropriate agencies.

**DATED** this 19<sup>th</sup> day of December 2005.

  
W. CRAIG BROADWATER  
UNITED STATES DISTRICT JUDGE